

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LOCALS 302 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY HEALTH  
AND SECURITY FUND; LOCALS 302  
AND 612 OF THE INTERNATIONAL  
UNION OF OPERATING ENGINEERS-  
EMPLOYERS CONSTRUCTION  
INDUSTRY RETIREMENT FUND;  
ALASKA OPERATING ENGINEERS-  
EMPLOYERS TRAINING TRUST FUND  
and LOCAL 302 INTERNATIONAL  
UNION OF OPERATING ENGINEERS,

**Plaintiffs.**

v.

EDWARD BROWN, d/b/a International  
Steel, an expired Alaska corporation,

**Defendant.**

**COUNT ONE**

**Plaintiff Operating Engineers-Employers Welfare, Pension, and Training Trust**

**COMPLAINT TO COLLECT TRUST FUNDS AND  
UNION DUES**

Page 1 of 6

**Reid, McCarthy, Ballew & Leahy, L.L.P.**  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925

1 I.  
2

3 They are unincorporated associations operating as Trust Funds pursuant to  
4 Section 302 of the Labor Management Relations Act of 1947, as amended, under the  
5 respective names of Locals 302 and 612 of the International Union of Operating  
6 Engineers-Construction Industry Health & Security Fund, Locals 302 and 612 of the  
7 International Union of Operating Engineers-Employers Construction Industry  
8 Retirement Fund, and Alaska Operating Engineers-Employers Training Fund, to  
9 provide medical, retirement, and training benefits to eligible participants. Plaintiffs'  
10 offices are located in King County, Washington.

11 II.  
12

13 The Court has jurisdiction over the subject matter of this action under Section  
14 502 (e)(1) and (f) of the Employee Retirement Income Security Act of 1974  
15 ("ERISA"), 29 U.S.C. §1132 (e)(1) and (f) and under Section 301 (a) of the Taft-  
16 Hartley Act, 29 U.S.C. §185 (a).

17 III.  
18

19 Venue is proper in this district under Section 502 (e)(2) of ERISA, 29 U.S.C.  
20 §1132 (e)(2), because Plaintiff Trusts are administered in this district.  
21

22 IV.  
23

24 Defendant, Edward Brown, is an individual, d/b/a International Steel, an  
25 expired Alaska corporation.  
26

COMPLAINT TO COLLECT TRUST FUNDS AND  
UNION DUES

Page 2 of 6

G:\01-01999\540 IUOE Trust\International Steel 43330-43331 10-17-1\Complaint.doc

Reid, McCarthy, Ballew & Leahy, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925



1 V.  
2

3 Defendant is bound to a collective bargaining agreement with Local 302 of the  
4 International Union of Operating Engineers (hereinafter "Local"), under which  
5 Defendant is required to promptly and fully report for and pay monthly contributions to  
6 the Plaintiff Trusts at varying, specified rates for each hour of compensation  
7 Defendant pays to its employees who are members of the bargaining unit  
8 represented by the Local (such bargaining unit members are any of Defendant's part  
9 time or full time employees who perform any work task covered by the Defendant's  
10 labor contract with the Local, whether or not those employees actually join the Local).  
11

VI.

12 Defendant accepted Plaintiffs' respective Agreements and Declarations of  
13 Trust and thereby agreed to pay to each of Plaintiff Trusts liquidated damages equal  
14 to twelve percent (12%) of all delinquent and delinquently paid contributions, or  
15 \$25.00 per month, whichever sums are greater, and twelve percent (12%) annual  
16 interest accruing upon each monthly contribution delinquency from the first day  
17 thereof until fully paid, as well as all attorneys fees and costs, including audit  
18 expenses if applicable, which Plaintiffs incur in collection of Defendant's unpaid  
19 obligations.  
20

VII.

21 Since the 1<sup>st</sup> day of October 2017, Defendant failed to promptly report for  
22 and/or pay to Plaintiff Trusts all amounts due them, as hereinabove set forth, for work  
23 performed by Defendant's employees, and only Defendant's records contain the  
24

25 COMPLAINT TO COLLECT TRUST FUNDS AND  
26 UNION DUES

Page 3 of 6

G101-019991540 IUOE Trust\International Steel 43330-43331 10-17-1Complaint.doc

Reid, McCarthy, Ballew & Leahy, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925



1 detailed information necessary to an exact determination of the extent of Defendant's  
2 unpaid obligations.

3  
4 **COUNT TWO**

5 Plaintiff, Local 302 of the International Union of Operating Engineers  
6 (hereinafter "Local"), alleges:

7  
8 I.  
9

10 Local 302 of the International Union of Operating Engineers (Local 302) is a  
11 labor organization with its principal offices in King County and brings this action  
12 pursuant to Section 301 of the Labor Management Relations Act of 1947, as  
13 amended.

14 II.  
15

16 Defendant, Edward Brown, is an individual, d/b/a International Steel, an  
17 expired Alaska corporation.

18 III.  
19

20 Defendant entered into an agreement with the Local, whereunder Defendant  
21 agreed to deduct from the periodic paychecks of its employees who are represented  
22 by the Local, specified amounts for each hour of compensation Defendant pays to  
23 those employees and to remit the total thus deducted each month to the Plaintiff  
24 Local no later than the fifteenth (15th) of the month immediately following the month  
25 in which such deductions were made.

26  
COMPLAINT TO COLLECT TRUST FUNDS AND  
UNION DUES

Page 4 of 6

G:\01-01999\540\IUOE Trust\International Steel 43330-43331 10-17-1\Complaint.doc

Reid, McCarthy, Ballew & Leahy, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925



IV.

Since the 1<sup>st</sup> day of October 2017, Defendant failed to promptly report for and/or pay to the Local the total sum deducted from the periodic paychecks of Defendant's employees who are represented by the Local.

WHEREFORE, Plaintiffs pray the Court as follows:

1. That the Defendant be compelled to render a monthly accounting to the Plaintiffs' attorneys and set forth in it the names and respective social security numbers of each of the Defendant's employees who are members of the bargaining unit represented by the Local, together with the total monthly hours for which the Defendant compensated each of them, for the employment period commencing October 2017 to the date of service of this Complaint to Collect Trust Funds and Union Dues, and for whatever amounts may thereafter accrue.
2. That plaintiff Trust Funds be granted judgment against Defendant under **COUNT ONE** for:
  - a. All delinquent contributions due;
  - b. All liquidated damages and pre-judgment interest due;
  - c. All attorneys fees and costs incurred by Plaintiffs in connection with Defendant's unpaid obligations; and
  - d. Such other and further relief as the court may deem just and equitable.

3 That Plaintiff Trusts be granted judgment against Defendant under COUNT

**TWO** for:

- a. All amounts owing to it by the Defendant; and
- b. Such other and further relief as the court may deem just and equitable.

DATED this 20<sup>th</sup> November, 2017.

**REID, McCARTHY, BALLEW & LEAHY,  
L.L.P.**

Russell J. Reid, WSBA #2560  
Attorney for Plaintiffs

**COMPLAINT TO COLLECT TRUST FUNDS AND  
UNION DUES**

Page 6 of 6

G:\01-01999\540\IUOE Trust\International Steel 43330-43331 10-17-\Complaint.doc

**Reid, McCarthy, Ballew & Leahy, L.L.P.**  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925